

Message Text

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C O N F I D E N T I A L STATE 145280

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: DRAFT HUMAN RIGHTS PLAN FOR SEYCHELLES

REF: STATE 139160

1. DEPARTMENT WOULD APPRECIATE EMBASSY COMMENTS ON
FOLLOWING DRAFT COUNTRY PLAN BY JUNE 28, PER REFTEL.
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A. HUMAN RIGHTS CONDITIONS

THE OCCURRENCE OF A COUP D'ETAT IN SEYCHELLES ON JUNE 5
HAS LED TO MAJOR NEW UNCERTAINTIES IN THE HUMAN RIGHTS
SITUATION IN THIS FLEDGLING NATION. SEYCHELLES BECAME AN
INDEPENDENT REPUBLIC ON JUNE 29, 1976. ITS NEWNESS AS AN
INDEPENDENT STATE, ITS MINISCULE POPULATION OF 60,000,
THE SAFEGUARDS FOR CIVIL LIBERTIES INHERITED FROM THE
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PRE-INDEPENDENCE BRITISH COLONIAL GOVERNMENT, AND THE
RELATIVE POLITICAL HARMONY WHICH PREVAILED PRIOR TO JUNE 5
UNDER A COALITION OF BOTH POLITICAL PARTIES ALL PRODUCED
AN UNEXCEPTIONABLE BUT SPARSELY DOCUMENTED FIRST-YEAR
RECORD OF OBSERVANCE OF HUMAN RIGHTS.

IN THE COUP ON JUNE 5, THREE PEOPLE ARE KNOWN TO HAVE BEEN

KILLED AS ARMED SUPPORTERS OF PRIME MINISTER FRANCE ALBERT RENE INSTALLED HIM AS PRESIDENT IN PLACE OF HIS FORMER COALITION PARTNER. RENE SUBSEQUENTLY ANNOUNCED THE ABROGATION OF THE CONSTITUTION AND THE DISMISSAL OF PARLIAMENT. THE EXPATRIATE CHIEF JUSTICE WAS DISMISSED AND EXPELLED FROM THE COUNTRY. RENE HAS DECLARED THAT A NEW CONSTITUTION WILL BE PROMPTLY PROMULGATED AND THAT MULTI-PARTY PARLIAMENTARY ELECTIONS WILL BE HELD IN 1979, AND HE HAS INDICATED THAT HE WILL CONTINUE TO STRESS IMPROVED WELFARE FOR THE MAJORITY OF THE POPULATION. NEVERTHELESS, IT ALSO APPEARS LIKELY THAT THE COUP-BASED REGIME WILL DEVOTE MORE ATTENTION AND RESOURCES TO SECURITY MEASURES, INCLUDING INTERNAL SECURITY AGAINST COUNTER-COUP EFFORTS, THAN DID THE PREVIOUS ADMINISTRATION, WITH AS YET UNPREDICTABLE EFFECTS ON THE OVERALL HUMAN RIGHTS SITUATION.

1. INTEGRITY OF THE PERSON CIVIL AND POLITICAL LIBERTIES.

THE FORMER CONSTITUTION PROVIDED COMPREHENSIVE PROTECTIONS FOR THE INTEGRITY OF THE PERSON AND CIVIL AND POLITICAL LIBERTIES. THE RIGHT TO LIFE, PERSONAL LIBERTY AND THE PROTECTION OF THE LAW WERE GUARANTEED. FREEDOMS OF CONSCIENCE, EXPRESSION, ASSEMBLY, ASSOCIATION AND MOVEMENT WERE ASSURED. PROTECTION WAS PROVIDED FOR THE PRIVACY OF THE HOME AND PROPERTY AND FROM DEPRIVATION OF PROPERTY WITHOUT COMPENSATION. CORPORAL PUNISHMENT WAS PROHIBITED. CONFIDENTIAL

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AND ACCESS TO THE COURTS WAS GUARANTEED INCLUDING ACCESS TO THE SUPREME COURT IN CASES INVOLVING CONTRAVENTION OF FUNDAMENTAL RIGHTS AND FREEDOMS. THE CONSTITUTION DID CONTAIN EMERGENCY PROVISIONS ALLOWING SOME DEROGATION OF THESE RIGHTS AND FREEDOMS UNDER CERTAIN CONDITIONS (SUCH AS WAR OR SUBVERSIVE THREAT TO DEMOCRATIC INSTITUTIONS); SUCH A STATE OF EMERGENCY REQUIRED APPROVAL BY THE NATIONAL ASSEMBLY WITHIN 21 DAYS OF ITS ENACTMENT AND FORMAL EXTENSION EVERY SIX MONTHS THEREAFTER.

THE OLD CONSTITUTION'S PROVISIONS PROTECTING FUNDAMENTAL HUMAN RIGHTS WERE NEVER SIGNIFICANTLY TESTED DURING THE YEAR THEY WERE IN EFFECT. ONE OF THE EARLIEST ACTS OF THE NEW GOVERNMENT HAS BEEN THE ISSUANCE OF A PRESIDENTIAL DECREE GIVING BROAD NEW POWERS TO THE SEYCHELLES POLICE INCLUDING RIGHTS OF SEARCH, SEIZURE AND ARREST WITHOUT WARRANT. THE DECREE ALSO PROVIDES FINES AND IMPRISONMENT OF UP TO THREE YEARS FOR OFFENSES INCLUDING ACTS, STATEMENTS OR WRITING DEEMED PREJUDICIAL TO PUBLIC SAFETY. THE DECREE APPEARS TO CONFLICT WITH OTHER GESTURES BY THE NEW REGIME INVITING PUBLIC COMMENT ON GOVERNMENT POLICIES, AND SOME GOVERNMENT OFFICIALS BELIEVE THAT THE

INFRINGEMENTS ON FREE SPEECH ARE LIKELY TO BE QUICKLY
RESCINDED. THE NEW GOVERNMENT'S APPROACH IS CLEARLY
STILL IN THE PROCESS OF EVOLUTION.

2. ECONOMIC RIGHTS

THE NEW SEYCHELLES PRESIDENT IN HIS CAPACITY AS PRIME
MINISTER OF THE FORMER GOVERNMENT PLAYED A KEY ROLE IN THE
DEVELOPMENT OF POLICIES RELATING TO ECONOMIC RIGHTS. THE
1977-81 NATIONAL DEVELOPMENT PLAN, ISSUED IN EARLY 1977,
SPECIFICALLY LISTS HOUSING AS A PRIORITY SECTOR AND ALSO
SETS AS OBJECTIVES REDUCED POPULATION GROWTH AND MORE
EQUITABLE DISTRIBUTION OF THE BENEFITS OF DEVELOPMENT.
AS INDICATED ABOVE, PRESIDENT RENE HAS REAFFIRMED HIS
DEDICATION TO THESE GOALS. THE REAL TEST OF THE STATED
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INTENTIONS IN THIS FIELD, HOWEVER, WILL COME IN THE
GOVERNMENT'S PERFORMANCE OVER THE NEXT FEW YEARS.

3. OUTSIDE INVESTIGATIONS

AS THERE HAVE BEEN NO DOCUMENTED CLAIMS OF HUMAN RIGHTS
VIOLATIONS IN SEYCHELLES AND NO KNOWN REQUESTS FOR ENTRY
BY INDEPENDENT OUTSIDE INVESTIGATORS, IT IS IMPOSSIBLE TO
APPRAISE THE ATTITUDE OF THE SEYCHELLES GOVERNMENT TOWARDS
SUCH REQUESTS.

B. ANALYSIS AND RECOMMENDATIONS

GIVEN THE FLUIDITY OF THE CURRENT POLITICAL SITUATION IN
THE SEYCHELLES, ANY ATTEMPT TO DRAW UP AN ACTION PROGRAM
FOR THE PROMOTION OF HUMAN RIGHTS OBSERVANCE UNDER THE
NEW GOVERNMENT CAN ONLY BE TENTATIVE AT BEST. THE FOLLOW-
ING SECTIONS SHOULD BE READ IN THIS LIGHT.

1. U.S. HUMAN RIGHTS OBJECTIVES

OUR OBJECTIVES OVER THE NEXT YEAR SHOULD BE TO DISCOURAGE
EROSION OF THE HUMAN RIGHTS STANDARDS CONTAINED IN THE
PREVIOUS SEYCHELLES CONSTITUTION AND TO ENCOURAGE THE
RENE REGIME TO MAKE GOOD ON ITS DECLARED INTENTION TO
RETURN TO CONSTITUTIONAL, MULTIPARTY, PARLIAMENTARY
GOVERNMENT.

2. U.S. INFLUENCE

OUR INFLUENCE IN SEYCHELLES IS LIMITED, PRIMARILY DUE TO
THE FACT THAT WE WANT MORE FROM THE SEYCHELLES GOVERNMENT
(CONTINUED SMOOTH OPERATION OF OUR IMPORTANT AIR FORCE
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TRACKING STATION) THAN THE GOVERNMENT WANTS FROM US. SEYCHELLES, WITH A PER CAPITA INCOME OF SOME DOLS. 500, IS NOT AN AUTHORIZED AID RECIPIENT AND IS NOT LIKELY TO BECOME ONE (ALTHOUGH PEACE CORPS AND SELF-HELP PROGRAMS ARE IN OPERATION), SO OUR CURRENT ECONOMIC LEVERAGE IS MINIMAL. RENE ALSO CONSIDERS THAT THE FORMER PRESIDENT WAS FAVORED BY THE WEST OVER HIM, WHICH LIMITS THE BASIS FOR DEVELOPING A RELATIONSHIP OF TRUST AND CONFIDENCE.

3. OPTIONS

A. ENTHUSIASTICALLY EMBRACE AND SUPPORT THE NEW REGIME IN ORDER TO ENHANCE ITS LEGITIMACY AND SECURITY, MINIMIZE THE NEED FOR REPRESSIVE MEASURES, AND INCREASE ITS RECEPTIVITY TO OUR APPROACHES ON HUMAN RIGHTS QUESTIONS.

B. INFORM THE REGIME PRIVATELY THAT HUMAN RIGHTS CONSIDERATIONS WILL BE ONE OF THE IMPORTANT FACTORS IN DETERMINING THE EVOLUTION OF OUR RELATIONSHIP.

C. INFORM THE REGIME THAT WE WILL FEEL COMPELLED TO CRITICIZE IT PUBLICLY SHOULD IT UTILIZE ITS NEW SECURITY POWERS TO SUPPRESS OPPOSITION AND SHOULD IT NOT PROCEED RAPIDLY WITH THE PROMISED PROMULGATION OF A NEW CONSTITUTION CONTAINING PROTECTIONS FOR HUMAN RIGHTS.

4. EFFECTIVENESS

NONE OF THE OPTIONS CAN BE EXPECTED TO BE HIGHLY EFFECTIVE IN INDUCING THE NEW REGIME TO BE SIGNIFICANTLY MORE ATTENTIVE TO HUMAN RIGHTS CONSIDERATIONS THAN IT BELIEVES ITS OWN INTERESTS WARRANT. THE FIRST OPTION WOULD HAVE marginally greater chance of having an impact, PROVIDED THE REGIME ACCEPTED OUR SINCERITY WHICH CANNOT BE GUARANTEED. (THEY MIGHT EVEN TEST US WITH A REQUEST FOR AID, WHICH COULD PRESENT PROBLEMS.) THE THIRD OPTION

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WOULD LIKELY BE LEAST EFFECTIVE, BOTH BECAUSE IT WOULD BE TAKEN BY THE REGIME AS A CLEAR SIGN OF AMERICAN HOSTILITY AND BECAUSE THE REGIME WOULD BE AWARE THAT IT COULD EASILY RETALIATE AGAINST US BY THREATENING TO INTERFERE WITH THE OPERATION OF THE SATELLITE TRACKING STATION.

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